IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 17TH JULY 2007 / 26TH ASHADHA 1929

WP(C).No. 12292 of 2007(L)

PETITIONER:

JOY K.J., AGED 39 YEARS,
S/O JOSA @ JOSEPH, KOLLATTUKARA HOUSE,
KAITHARAM P.O., PARAVUR, ERNAKULAM DISTRICT.

BY ADV. SRI.A.X.VARGHESE
SRI.JOJO.A.V.

RESPONDENTS:
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1. **CIRCLE INSPECTOR OF POLICE,**
   NARACKAL.

2. **SUB INSPECTOR OF POLICE,**
   NARACKAL POLICE STATION, NARACKAL.

3. **ANTONY, S/O AMBROSE,**
   KOLLATTUTHARA HOUSE, EDAVANAKKADU P.O.,
   VYPIN.

BY ADV. SMT.J.SHEEBA MARIAM
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 17/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE WILL DATED 8.4.1996 BEARING NO.183/1966.

EXT.P2: COPY OF THE COMPLAINT DATED 29.3.2007 TO THE 1ST AND 2ND RESPONDENTS.

/TRUE COPY/

J.B. KOSHY and T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C) No. 12292 of 2007-L

Dated this the 17th day of July, 2007

Judgment

Koshy, J.

This is a petition for police protection. It is the case of the petitioner that he got three cents of land through partition, but, respondent No.3 and his family members are trespassing into his property. He wants to sell the property, but, because of the trespassing and threatening of the third respondent, he is not able to sell the property. He also wants protection to measure the property. If third respondent or any person are trespassing into the property of the petitioner, it is for the petitioner to approach the civil court and get an order. This court cannot declare title or possession of the property or boundaries of the petitioner's property. If it is found that petitioner has got three cents of property and there is boundary dispute, petitioner can also approach the civil court to get his land measured with the assistance of a surveyor, but, article 226 of the Constitution of India cannot be used for establishing the civil rights. Therefore, this

writ petition is dismissed without prejudice to the right of the petitioner to approach the civil court for getting appropriate orders. However, police is directed to see that law and order is maintained.

The writ petition is disposed of.

J.B.KOSHY
JUDGE

T.R.RAMACHANDRAN NAIR
JUDGE

vaa

J.B. KOSHY AND
T.R.RAMACHANDRAN NAIR, JJ.

M.F.A.NO./2000

JUDGMENT

Dated:17th July, 2007